



Maine Human Rights Commission

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COMMISSION MEETING MINUTES

19 Union Street ~ Augusta, Maine

December 19, 2016

Commission Chair Arnold Clark called the meeting to order at 8:31 AM. Present were Commissioners Deborah Whitworth, John Norman, Ted Helbert, and Fred Oettinger.

AGENDA

Commissioner Clark called for a motion to adopt the Agenda and Consent Agenda, as amended, after Executive Director Amy Sneirson presented two matters that would affect the Agendas.

- Commissioner Whitworth moved, seconded by Commissioner Helberg, to rescind the finding at the November 21, 2016 Commission meeting in case #H16-0324, *GinA v. 50 High Street LLC and Glenn Kibler*. 5 in favor | 0 opposed.
- Commissioner Helberg moved, seconded by Commissioner Whitworth, not to issue right-to-sue letters requested in case #E14-0703 (*Treadwell v. Vescom Corp/American Guard Services*) and #E14-0704 (*Treadwell v. Karawia*). 5 in favor | 0 opposed.

Commissioner Norman moved, seconded by Commissioner Whitworth, to adopt the Agenda and to accept the Investigator's recommendations in each of the cases on the Consent Agenda. 5 in favor | 0 opposed. See detailed listing of Consent Agenda cases on page 4.

MINUTES

Commissioner Norman moved, seconded by Commissioner Oettinger, to adopt the November 2016 Commission meeting minutes. 5 in favor | 0 opposed.

ADMINISTRATION

Monthly reports: Executive Director Sneirson next discussed monthly reporting on Commission activities:

- Personnel: The Commission filled the two vacant Investigator positions, with Stuart Evans returning to the Commission on December 13 and Holly Fortin to join the Commission on December 22 .
- Compliance: Since the last meeting, four conciliations of reasonable-grounds cases were determined to be unsuccessful. There is one reasonable-grounds case pending in conciliation. There were no successful conciliations.
- Investigation:
 - New Charges: 60 new charges filed in November.
 - Administrative Dismissals: 37 administrative dismissals issued in October.
 - There were three pre-determination settlements with benefits of \$9,000 to complainants.

New business:

- Executive Director Sneirson noted that the Legislature is now in session, with cloture on December 30. The Commission did contact the Office of the Governor to inquire about any recommendations from the Executive Review Panel Task Force Report that might be included in the Governor's

budget proposal, but got no substantive response. A legislator has submitted a bill request to follow up on the Review Panel's recommendations.

- The Maine Department of Labor has put in a bill request to shift to the Commission responsibility for enforcing Title 26 provisions that require employers to put up posters about, and offer annual training about sexual harassment.
- The Commission's public meetings will be held in another location as of January 2017, as another agency is building offices in the 19 Union Street conference room. we've met for five years. The Commission contacted several state agencies to schedule other state-owned facilities that are suitable (large space, accessible, parking, etc), but each of them reserved the right to "bump" Commission meetings or refused to schedule meetings as far in advance as the Commission requires. After careful consideration, the Commission determined the Senator Inn Conference Center will be able to accommodate the needs of the Commission meetings and will guarantee our scheduled meetings. The Commission met at the Senator for many years prior to being offered the 19 Union Street conference space. Because this funding is no longer in our budget, the Commission submitted a Bureau of Budget request to add rent back into the Commission budget for the 2017 fiscal year emergency supplemental budget and to the 2018-2019 biennial budget.

At 8:45 AM Commissioner Clark began the case hearing agenda.

CASES VOTED ON 8:44 A.M.

E14-0658: Monika Fellows (Norridgewock) v. Maplecrest Nursing Home (Madison). Complainant was not present. Commissioner Whitworth moved, seconded by Commissioner Helberg, to find no reasonable grounds to believe Maplecrest Nursing Home retaliated against Monika Fellows by discharging her after she engaged in protected activity. 5 in favor | 0 opposed.

E14-0670: Judith Dorsey (Belgrade) v. Riverview Psychiatric Center (Augusta). Complainant was not present. Commissioner Norman moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Respondent Riverview Psychiatric Center: (1) discriminated against Complainant Judith Dorsey on the basis of her ancestry or national origin, religion, and/or physical or mental disability in the terms and conditions of her employment; (2) subjected Complainant Judith Dorsey to a hostile work environment on the basis of her ancestry or national origin, religion, and/or physical or mental disability in violation of the MHRA; or (3) retaliated against Complainant Judith Dorsey in violation of the MHRA and W?A because she engaged in protected activity. 5 in favor | 0 opposed.

H16-0224: Joseph Murray & Alyssa Murray individually and o/b/o minor children (Hampden) v. KC Management, Inc (Orono) and Bradbury Apartments (Hampden). Mr. Bradbury restated the Position of Respondents. Complainants were not present. Investigator Angela Tizon restated the facts of the case. Commissioner Helberg moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that KC Management, Inc. and Bradbury Apartments discriminated against Joseph and Alyssa Murray individually and on behalf of their minor children by subjecting them to less favorable terms and conditions of housing based on race, color, and familial status. 4 in favor | 1 opposed (Norman opposed). Commissioner Helberg moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that KC Management, Inc. and Bradbury Apartments discriminated against Alyssa Murray on the basis of disability by denying her the use of a service animal. 4 in favor | 1 opposed (Commissioner Oettinger opposed). Commissioner Whitworth moved, seconded by Commissioner Helberg, to find no reasonable grounds to believe that KC Management, Inc. and Bradbury Apartments retaliated against Joseph and Alyssa Murray for asserting

their rights under the MHRA. 2 in favor | 3 opposed (Clark, Norman, Oettinger opposed); the motion failed. Commissioner Oettinger moved, seconded by Commissioner Norman, to find **reasonable grounds** to believe that KC Management, Inc. and Bradbury Apartments retaliated against Joseph and Alyssa Murray for asserting their rights under the MHRA. 3 in favor | 2 opposed (Helberg, Whitworth opposed).

H16-0324: GinA (Windsor) v. 50 High Street LLC (Waterville) and Glenn Kibler (Belgrade Lakes). Complainant was not present. Respondent demanded that it had a right to be heard under the Commission's Procedural Rule; the Commissioners determined that Respondent was not entitled to make a presentation. Commissioner Helberg moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Respondents 50 High Street, LLC and Glerm Kibler: (1) discriminated against Complainant GinA on the basis of disability by denying her a reasonable accommodation; (2) discriminated against Complainant GinA on the basis of religion by denying her a reasonable accommodation; (3) discriminated against Complainant GinA on the basis of disability, religion, or receipt of public assistance benefits in the terms and conditions of her housing; or (4) retaliated against Complainant GinA for asserting her rights under the Maine Human Rights Act; 4 in favor | 0 opposed | 1 abstained (Norman abstained).

H16-0376: PTLA, Inc. (Portland) v. King Weinstein/Portland Avenue Associates (Old Orchard Beach). Attorney Paul Catsos restated the position of the Respondent. Attorney Patricia Ender restated the position of the Complainant. Investigator Angela Tizon restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Helberg, to find **reasonable grounds** to believe that King Weinstein/Portland Avenue Associates discriminated against Pine Tree Legal Assistance, inc. in the terms and conditions of housing based on disability. 5 in favor | 0 opposed.

At 10:00 Chair Clark called for a 10 minute recess.

H16-0380: Jennifer L. Taghavidinani (Oakland) v. Waterville Housing Authority/Cascades (Waterville) & Heath Street Associates (Waterville). Complainant was not present. Commissioner Whitworth moved, seconded by Commissioner Helberg, to find no reasonable grounds to believe Respondents Waterville Housing Authority/Cascades and Heath Skeet Associates retaliated against Complainant Jennifer Taghavidinani for asserting her rights under the Maine Human Rights Act. 5 in favor | 0 opposed.

EXECUTIVE SESSION:

At 10:08 AM, Commissioner Whitworth moved, seconded by Commissioner Norman, to go into executive session to discuss pending or contemplated litigation and the Commission's legal rights and duties with Commission Counsel pursuant 1 M.R.S. §405(6)(E). 5 in favor | 0 opposed.

At approximately 10:38 AM, Commissioner Whitworth moved, seconded by Commissioner Norman, to come out of executive session. 5 in favor | 0 opposed.

LITIGATION:

Commissioner Helberg moved, seconded by Commissioner Whitworth, that the Commission should not proceed with litigation in the following reasonable-grounds cases:

- **E14-0503, Dusty Trombley v. UTC Climate Control & Security SYS/UTC Fire & Security;**
- **E14-0481, Brian Downing v. Select Rehabilitation Inc.;**
- **E14-0471, Allison Woods v. The Jackson Laboratory; and**

- **E14-0661, Shasta Roy v. Theodore's Seamless Gutters.**

5 in favor | 0 opposed.

CASES VOTED ON, CONTINUED at 10:39 AM:

PA15-0377: Kenneth Stanhope (Steuben) v. Pat's Pizza (Machias). Complainant Kenneth Stanhope restated his position as the Complainant. Attorney Jason Barrett restated the position of the Respondent. Investigator Robert Beauchesne restated the facts of the case. Commissioner Helberg moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Pat's Pizza discriminated against Kenneth Stanhope based on disability by denying him access to a place of public accommodation. 5 in favor | 0 opposed.

PA15-0378: Kenneth Stanhope (Steuben) v. Dunkin' Donuts (Machias). Kenneth Stanhope restated his position as the Complainant. Attorney Jason Barrett restated the position of the Respondent. Investigator Robert Beauchesne restated the facts of the case. Commissioner Norman moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Dunkin' Donuts discriminated against Kenneth Stanhope based on disability by denying him access to a place of public accommodation. 5 in favor | 0 opposed.

Commissioner Clark called for a 5 minute recess.

PA15-0437: Kenneth Stanhope (Steuben) v. Build A Bear (Bangor). Kenneth Stanhope restated his position as the Complainant. Attorney Betty Olivier restated the position of the Respondent. Investigator Robert Beauchesne restated the facts of the case. Commissioner Norman moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Build A Bear discriminated against Kenneth Stanhope due to his use of a service animal for his physical or mental disability. 5 in favor | 0 opposed.

At approximately 12:05 PM, Commissioner Clark adjourned the meeting.

CONSENT AGENDA

The consent agenda is a listing of cases scheduled on the Commission's meeting agenda in which there was no written disagreement to the Investigator's recommendation. Commissioners considered these cases without oral argument by the parties.

- E14-0684: Dylan J. Dupont (West Gardiner) v. Pine State C-Store (Gardiner) NRG
- E14-0685: Dylan J. Dupont (West Gardiner) v. Bonney Staffing (Portland) NRG
- E14-0703: Pamela Treadwell (Sidney) v. Vescom Corp./American Guard Svc/Worldwide Sourcing Group (Carson, CA) NRG
- E14-0704: Pamela Treadwell (Sidney) v. Ousama (aka Sam) Karawia, Owner I Source Business, Inc. (Brentwood, CA) NRG
- E14-0709: Norman R. Langevin (Biddeford) v. Fiber Materials, Inc. (Biddeford) NRG
- E15-0331: Kimberly C. Spann (Hermon) v. Bangor (City of)/Bangor International Airport (Bangor) NRG
- E16-0281: Jessica L. Locklear (Westbrook) v. AJ's Market (Westbrook) **RG**
- H16-0320/21: Kassandra Freeman (Otisfield) v. Ronald & Marcella Kugell (Oxford) and Brittany Hahn (Norway) NRG
- H16-0341: Seth & Virginia Poland Individually and o/b/o minor children (Thomaston) v. S&S Properties (Friendship) and Bob Stafford and Sampson Patience (Friendship) NRG

H16-0379: Thomas P. Hanson & Tasha Owens (Lisbon) v. Ray Chabot (Lewiston) & Sandy Chabot (Lewiston) NRG

H16-0411: Lorrie A. Flaherty (Rockland) v. Coastal Prop. Mgmt. (Rockland) & 18 Lindsey Street, LLC (Rockland) NRG